

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RONALD K. JONES, II,)
)
Plaintiff,)
)
v.) NO. 3:12-1098
) Judge Sharp/Bryant
PAMELA HAYES, et al.,)
)
Defendants.)

TO: The Honorable Kevin H. Sharp

REPORT AND RECOMMENDATION

On December 20, 2012, the Court granted plaintiff's application to proceed in forma pauperis and, among other things, instructed the Clerk to send to plaintiff a service packet to be completed and returned by plaintiff within 30 days of the date of the order (Docket Entry No. 9).

It appears from the record that the mail to plaintiff from the Clerk containing the service packet has been returned marked undeliverable and "released 12-31-12" (Docket Entry No. 13). From the foregoing, it appears from the record that plaintiff Jones has been released from confinement and has failed to provide to the Clerk his current mailing address. Moreover, it appears that service of process has not been completed upon the defendant within 120 days from the filing of the complaint, as required by Rule 4(m) of the Federal Rules of Civil Procedure. From the foregoing, the undersigned Magistrate Judge finds that the complaint should be DISMISSED due to plaintiff's failure to return completed service packets as ordered by the Court, failure to keep the Clerk informed

of his current address, failure to accomplish service on the defendant as required, and failure to prosecute his case.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge RECOMMENDS that the complaint be DISMISSED without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'q denied, 474 U.S. 1111 (1986).

ENTERED this 3rd day of June 2013.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge